



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

1654  
#4  
[Signature]

Applicant: Gallaher, Robert.

Attorney Docket No. RNBO-1-1003

Serial No.: 10/091,709

Group Art Unit: 1654

Filing Date: March 5, 2002

Examiner: Patten, Patricia A

Title: METHODS AND COMPOSITIONS FOR TREATING MICROTUBULE-MEDIATED INFECTIONS AND LESIONS

RECEIVED

TRANSMITTAL LETTER

APR 25 2003

TO THE COMMISSIONER FOR PATENTS:

TECH CENTER 1600/2900

Enclosed with this transmittal is:

1. Response to Restriction and Reconsideration of Restriction Requirement  
Under 37 CFR 1.43.
2. Return postcard.

Respectfully submitted,

BLACK LOWE & GRAHAM<sup>PLLC</sup>

*Mark D. Byrne*

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MAIL CERTIFICATE

I hereby certify that this communication is being deposited with the United States Postal Service via US Mail under 37 C.F.R. § 1.08 on the date indicated below addressed to: Assistant Commissioner for Patents, Washington D.C. 20231.

4/18/03  
Date of Deposit

[Signature]  
Cora Fedomock



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RNBO-1-1003TL01

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**RESPONSE TO RESTRICTION AND RECONSIDERATION OF RESTRICTION  
REQUIREMENT UNDER 37 CFR 1.43**

TO THE COMMISSIONER FOR PATENTS:

Per Office Action dated March 19, 2003, Claims 1-20 are subject to a restriction and/or an election requirement. The restriction requirement is between inventions I (Claims 1-7, drawn to a method for treating a viral infection via delivery by parental route), invention II (Claims 8-13, drawn to a method for treating a viral infection via delivery via oral, anal, aural, ocular, and nasal routes), and invention III (Claims 14-20, drawn to a method for treating a viral infection via delivery by topical route). The Office Action requires election of one invention between inventions I, II, or III.

The Office Action further requires election of a single disclosed species of compounds, such as taxanes or taxoids or eletherobin for prosecution on the merits to which the claims shall be restricted if no generic claim is finally held to be allowable.

With regards to invention election, Applicant provisionally elects, with traverse, invention III, Claims 14-20, drawn to a method for treating a viral infection via delivery by topical route.

With regards to election of a single disclosed species of compounds, Applicant provisionally elects, with traverse, taxanes.



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RNBO-1-1003Restriction

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Traverse is made on the grounds that the method claims of invention III sufficiently links the methods claims of invention II, and that the method claims of invention II are sufficiently linked to the method claims of invention I, because all method claims utilize compounds that treat viral infections by targeting microtubule related processes.

Accordingly, Applicant respectfully requests reconsideration of the restriction requirement.

Respectfully submitted,

BLACK LOWE & GRAHAM<sup>PLLC</sup>



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